IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	4:09CR3050
Plaintiff,	)	
	)	
v.	)	
	)	MEMORANDUM AND ORDER
JOSE A. ARTIAGA,	)	
	)	
Defendant.	)	

The defendant has moved to set a change of plea hearing, (filing no. 28), and consents to having the hearing conducted before the undersigned magistrate judge. The government does not oppose the defendant's motion. The motion will be granted.

Accordingly,

IT IS ORDERED that:

1. The defendant's motion to set a change of plea hearing, (filing no. 28), is granted. This case is removed from the trial docket based upon the request of the defendant.

2. A hearing on the defendant's anticipated plea of guilty is scheduled before Magistrate Judge Zwart on the 8th day of April, 2010, at the hour of 9:00 a.m., in Courtroom No. 2, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska.

3. The defendant, his counsel, and counsel for the government shall appear at this hearing.

4. On or before the date set for the plea proceeding, counsel for plaintiff and for defendant shall provide to the assigned probation officer their respective versions of the offense for purposes of preparing the presentence investigation report.

5. The ends of justice served by granting defendant's motion to set a change of plea hearing outweighs the interests of the public and the defendant in a speedy

trial, and the additional time arising as a result of the granting of the motion, the time between today's date and the anticipated plea of guilty, shall be deemed excluded in any computation of time under the requirements of the Speedy Trial Act, for the reason that defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7).

DATED this 9th day of February, 2010.

BY THE COURT:

s/ *Cheryl R. Zwart*
United States Magistrate Judge